

Joe W. Morgan, Inc.  
Ordinance No. G-2015- 10

Introduced by: Councilman Al Lindsey  
Committee: Public Works

**AN ORDINANCE TO VACATE CERTAIN PUBLIC WAYS OR PUBLIC PLACES  
WITHIN THE CITY OF EVANSVILLE, INDIANA, COMMONLY KNOWN AS A  
PORTION OF WATER ROAD BETWEEN LOT EIGHTEEN (18) AND LOT TWELVE  
(12) IN EMBREE'S SUBDIVISION**

BE IT ORDAINED by the Common Council of the City of Evansville, Indiana, as follows, to-wit:

Section I. That pursuant to EMC 12.05.450, a sworn petition was presented to the Common Council of the City of Evansville requesting that the public rights-of-ways described in Section III below be vacated by the City of Evansville.

Section II. That after due and proper notice a timely public hearing was convened by the Common Council, at which time all interested persons were permitted to address the Common Council regarding said vacations.

Section III. That the Common Council of the City of Evansville, after due investigation and consideration, has determined that the nature and extent of the public use and the public interest to be subserved is such as to warrant the vacation of that part of the public way or public place described as follows, and further indicated on the site plan attached hereto as Exhibit "A" which is hereby made a part of this Ordinance, and as more particularly described as follows:

A portion of Water Road lying between Lot Eighteen (18) and Lot Twelve (12) in Embree's Subdivision, as per plat thereof, recorded in Deed Book "T", page 14, re-transcribed of record in Plat Book "A", page 21 and re-transcribed of record in Plat Book "E", pages 54-55, in the office of the Recorder of Vanderburgh County, Indiana and further described as follows:

Beginning at the Northeast corner of Lot Twelve (12) in said Embree's Subdivision; thence along the North line of said Lot Twelve (12) and the South line of Water Road

**FILED**

**APR 02 2015**

*Anna Widner*  
CITY CLERK

- 1<sup>st</sup>: West 407 feet more or less to the center of Pigeon Creek; thence along said Creek
- 2<sup>nd</sup>: Northeasterly to the eastern edge of Pigeon Creek and the North line of Water Road, also being the South line of Lot Eighteen (18); thence along the North line of Water Road and the South line of said Lot Eighteen (18)
- 3<sup>rd</sup>: East 354 feet more or less to the Southeast corner of said Lot 18; thence along the extension of the East line of said Lot Eighteen (18)
- 4<sup>th</sup>: South 40.00 feet to the point of beginning.

Water Road is also known in the Evansville City Engineer's records as an extension of Louisiana Street or unnamed right-of-way fifty (50) feet in width and this vacation would vacate all of that unimproved right-of-way of Water Road including all that portion of Louisiana Street or unnamed right of way as implied on city quarter section maps in the City Engineer's records. The City Engineer's records do not take precedence over the recorded plat, as such, the appropriate legal description for the same is derived from the recorded plat attached hereto as Exhibit "B".

Section IV. That the vacations of said public rights-of-ways described in Section III above are not subject to reservations of easements in favor of the utilities identified below because none are located in the area to be vacated:

- A. Evansville Water/Sewer Utility (EWSU)
- B. Southern Indiana Gas and Electric Company d/b/a Vectren Energy Delivery of Indiana
- C. AT&T
- D. Insight Communications/Time Warner
- E. W.O.W.
- F. The Evansville Fire Department has no objection to the vacations as per the letter attached hereto as Exhibit "C".
- G. The City/Traffic Engineer has no objection to the vacations as per the letter attached hereto as Exhibit "D".

THEREFORE, the Common Council of the City of Evansville, Indiana, does hereby find the above-described public rights-of-ways is no longer required for public use and the public interest will be served by such vacation, and the Common Council of the City of Evansville does hereby vacate the public ways or public places described in Section III above subject to the terms and conditions as stated in this Ordinance.

Passed by the Common Council of Evansville, Indiana, on this 27 day of April, 2015, and on said day assigned by the President of said Common Council and attested by the City Clerk.

W. Dan Gilman  
President

ATTEST:

Gama Windhorst  
City Clerk

Presented by me, the undersigned, City Clerk of the City of Evansville, Indiana, to the Mayor of said City, the 28 day of April, 2015, at 4 o'clock P.m.

Gama Windhorst  
City Clerk

Having examined the foregoing Ordinance, I do, as Mayor of said City of Evansville, Indiana, approve said Ordinance, and return the same to the City Clerk, this 29th day of April, 2015, at 11:30 o'clock A.m.

Ray Daniels  
Mayor of the City of Evansville, Indiana

APPROVED AS TO FORM:

M. Bulkley  
City Attorney

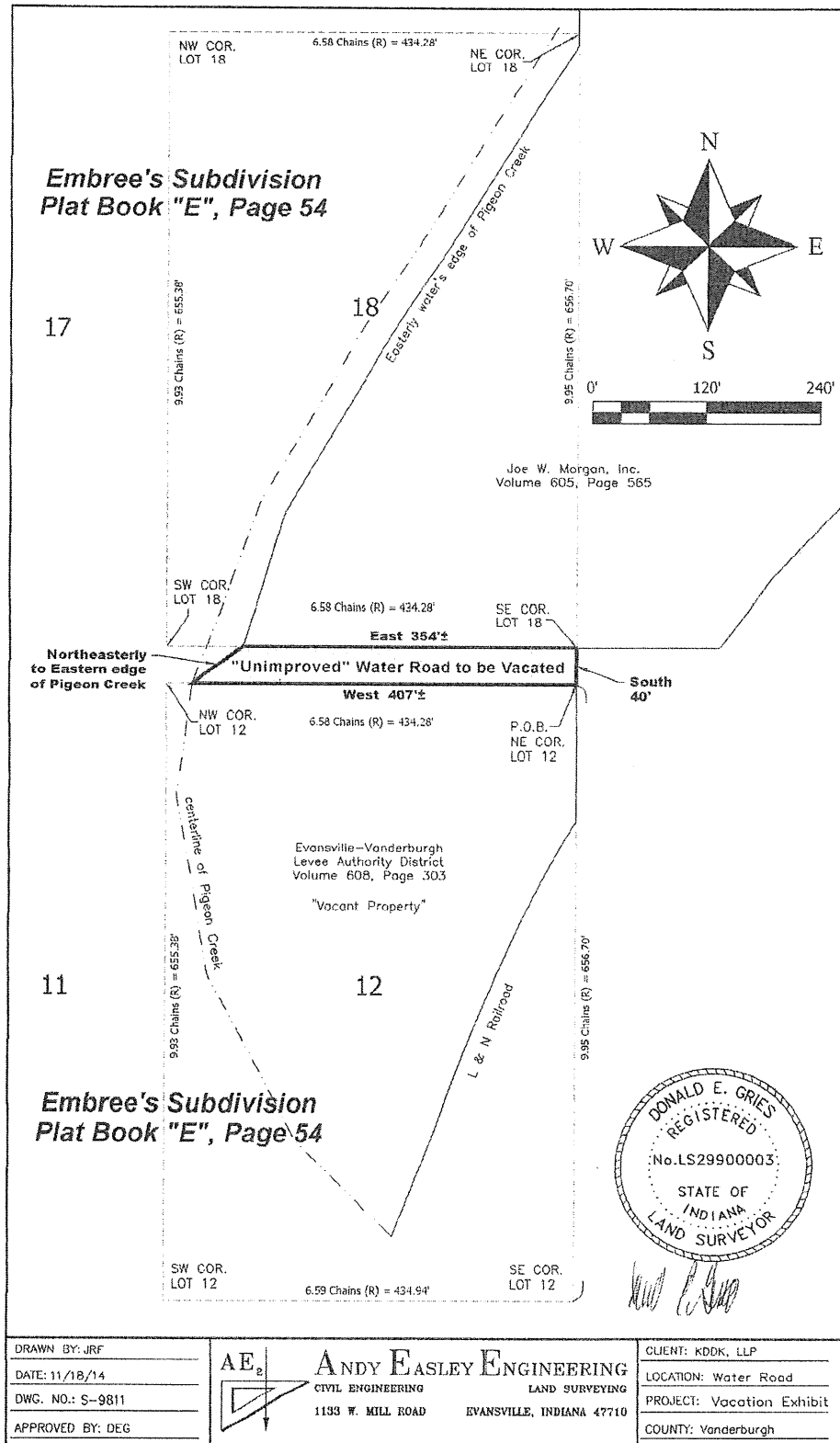
**THIS INSTRUMENT** was prepared by Kahn, Dees, Donovan & Kahn, LLP, Maria L. Bulkley, Attorney at Law, 501 Main Street, Suite 305, P.O. Box 3646, Evansville, Indiana 47735-3646

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Maria L. Bulkley

**RETURN TO:** Maria L. Bulkley, Esq., P.O. Box 3646, Evansville, Indiana 47735-3646.

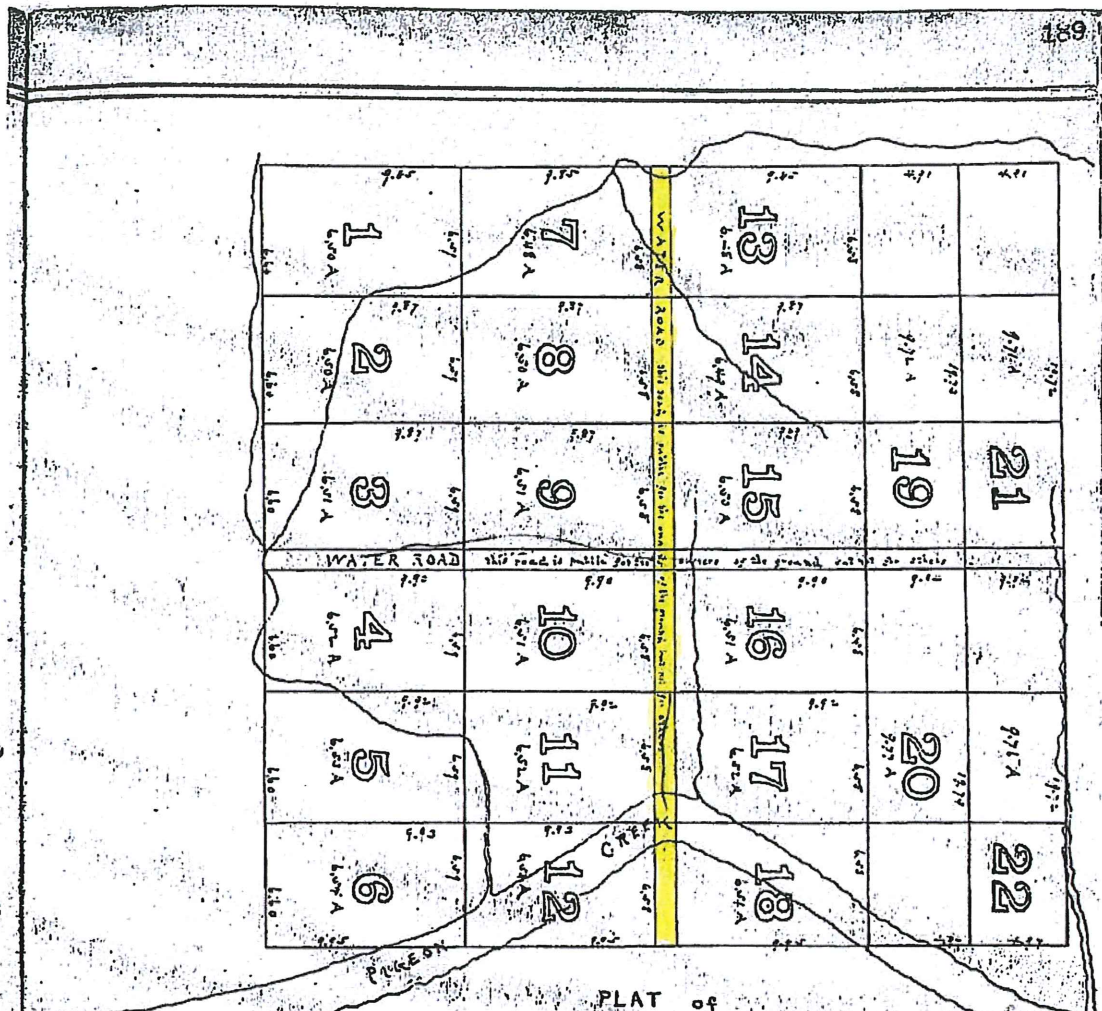
# EXHIBIT "A"

## SITE PLAN/LOCATION MAP



# EXHIBIT "B"

## RECORDED PLAT



PLAT of

the Division of the N. W. 1/4 Sec 24 T6 Range

11W of lands sold in the Vincennes Land District

This Division is made by the directions of a decree of the Circuit Court of the County of Vanderburgh and State of Indiana in Chancery sitting at the September term in the year 1849 in the suit in Chancery wherein Joseph Warner and Redwood Fisher vs. certain complainants and Messrs Embree et al are defendants and is called the Embree Division.

S. C. Stevens.

Commissioner.

Recorded April 24<sup>th</sup> 1850.

S. F. Janss Recorder.

Transcribed from Deed Record 5 page 141.

April 15<sup>th</sup> 1859. Jesse Fuller Dpty. R. V. C.

Edward H. French R. V. C.

by John F. Moore Dpty. Jan 9<sup>th</sup> 1897.

For assessment Applying to Lot  
See Deed Drawer 10 card 7637

TRANSCRIBED FROM PLAT  
RECORD "A" PAGE 131

## EXHIBIT "C"

### FIRE DEPARTMENT LETTER



LLOYD WINNECKE  
MAYOR

MIKE CONNELLY  
FIRE CHIEF

550 S.E. Eighth St. • Evansville, IN 47713-1786  
(812) 435-6235 • FAX: (812) 435-6248 • TDD/Hearing Impaired: (812) 436-4925

---

March 23, 2015

Maria L. Bulkley  
Kahn, Dees, Donovan and Kahn, LLP  
501 Main Street, Suite 305  
Evansville, IN 47735

RE: Petition for Vacation of Right-of-Way – Streets and Alleys listed below;

Ms. Bulkley;

We recognize & acknowledge request for Vacation Right-of-way of the following Tract referenced on the Water Road Vacation Exhibit of Embree's Subdivision, Lots 12 & 18, Vanderburgh County, Indiana.

- 1) 40' Roadway, running east/west, between Lots 12 & 18 of Embree's Subdivision. The north and south borders of said roadway are parallel, but not equal in length. The north border is 354' +/- with eastern terminus at the east edge of Lots 12 & 18 and western terminus at the approximate east bank of Pigeon Creek. The south border is 407' +/- with eastern terminus at the east edge of Lots 12 & 18 and western terminus at the approximate east bank of Pigeon Creek.

**Existing Conditions: Street/Roadway**

**Effect of Vacation on Fire Department: none**

**Recommendations: The Evansville Fire Department has no objection in closing of above referenced street/roadway.**

Sincerely,

**Dan Grimm**  
Chief Fire Marshal  
Fire Prevention & Education  
Evansville Fire Department  
550 SE 8th Street  
Evansville, IN 47713  
812.436.4428



**EXHIBIT "D"**

**CITY/TRAFFIC ENGINEER LETTER**



**City Engineer's Office**

CIVIC CENTER COMPLEX, ROOM 321  
1 N.W. MARTIN LUTHER KING, JR BLVD.  
EVANSVILLE, INDIANA 47708-1875  
Phone: (812) 436-4990 FAX: (812) 436-4976  
TDD/Hearing Impaired (812) 436-4934

LLOYD WINNECKE  
MAYOR

BRENT A. SCHMITT, P.E.  
CITY ENGINEER

February 2, 2015

Ms. Maria L. Bulkley  
KDDK  
501 Main Street, Suite 305  
P.O. Box 3646  
Evansville, Indiana 47735

Re: Proposed Vacation of Public Ways, portion of Water Road, Evansville, Indiana

Dear Ms. Bulkley:

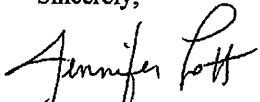
In regards to the above referenced subject and your letter dated December 17, 2014, the following comments are provided:

The area proposed to be vacated is unimproved. The adjacent properties are owned by the party seeking vacation.

The City Engineer's Office does not object to the vacation request. Vacation of this area would have no effect on future plans of this office.

Thank you and please contact me if you have any questions.

Sincerely,

  
Jennifer Lott  
City Engineer's Office

Cc: File



DATED this 31<sup>st</sup> day of March, 2015.

Joe W. Morgan, Inc.

By: *John S. MacLeod*  
John S. MacLeod, Executive Vice President

STATE OF INDIANA                     )  
  ) SS:  
COUNTY OF VANDERBURGH        )

Before me, a Notary Public, within and for said County and State, came John S. MacLeod, Executive Vice President of Joe W. Morgan, an Indiana corporation, and acknowledged the execution of the foregoing Petition for the Vacation of a portion of Water Road lying between Lot Eighteen (18) and Lot Twelve (12) in Embree's Subdivision.

WITNESS my hand and Notarial Seal this 31<sup>st</sup> day of March, 2015.

County of residence:

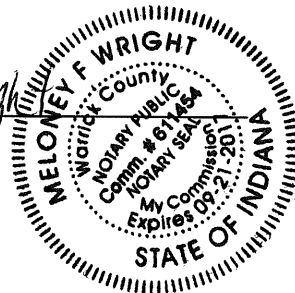
Warrick County, Indiana

My commission expires:

9-21-2017

*Meloney F. Wright*  
Notary Public

Meloney F. Wright  
(Printed Name)





**BEFORE THE COMMON COUNCIL OF THE CITY OF EVANSVILLE**  
**PETITION FOR THE VACATION OF CERTAIN PUBLIC WAYS OR PUBLIC PLACES**  
**WITHIN THE CITY OF EVANSVILLE, INDIANA, COMMONLY KNOWN AS A PORTION OF**  
**WATER ROAD BETWEEN LOT EIGHTEEN (18) AND LOT TWELVE (12)**  
**IN EMBREE'S SUBDIVISION**

Petitioner: Joe W. Morgan, Inc.  
Address: 1901 W. Louisiana Street  
P.O. Box 928  
Evansville, Indiana 47706

1. Petition is hereby made pursuant to the provisions of I.C. 36-7-3-12 through I.C. 36-7-3-16 and Sections 12.05.450 through 12.05.510 of the Municipal Code of Evansville, for the vacation of a portion of Water Road lying between Lot Eighteen (18) and Lot Twelve (12) in Embree's Subdivision as shown on the plat recorded April 24, 1850 in the Office of the Recorder of Vanderburgh County, Indiana, all of which is located in Evansville, Vanderburgh County, Indiana, more particularly described in the complete legal description attached hereto as Exhibit "A-1". Water Road is also known in the Evansville City Engineer's records as an extension of Louisiana Street or unnamed right-of-way fifty (50) feet in width and this vacation would vacate all of that unimproved right-of-way of Water Road including all that portion of Louisiana Street or unnamed right of way as implied on city quarter section maps in the City Engineer's records. The City Engineer's records do not take precedence over the recorded plat, as such, the appropriate legal description for the same is derived from the recorded plat attached hereto as Exhibit "A-2".

2. Petitioner, Joe W. Morgan, Inc., is an Indiana corporation with its principal office and place of business in the City of Evansville, Vanderburgh County, Indiana. The officers and directors of the Petitioner, Joe W. Morgan, Inc. are as follows:

Officers

Ronald J. Morgan, President  
Alan N. Shovers, Secretary

Directors

Ronald J. Morgan  
John S. MacLeod  
Brandon Morgan  
Donald MacLeod  
Alan N. Shovers

3. Petitioners request the vacation of said portion of Water Road due to the fact that in the area to be vacated there is no road in existence and therefore plat references to Water Road in this area do not accurately reflect the conditions of the land.

**FILED**

**APR 02 2015**

4. The names and address of the persons who, in addition to the Petitioners, own property which is located within two hundred (200) feet of the right-of-way to be vacated by this petition, are attached hereto as Exhibit "B".
5. The Evansville Fire Department has no objection to the vacation as per the letter attached hereto as Exhibit "C".
6. The City/Traffic Engineer has no objection to the vacation as per the letter attached hereto as Exhibit "D".
7. The vacation of the right-of-way to be vacated by this Petition is not subject to the dedication of utility easements in the areas legally described by Exhibit "A" because no utilities are located in this area pursuant to the following letters:
  - a. Evansville Water/Sewer Utility easement(s) pursuant to the letter dated January 9, 2015 attached as Exhibit "E".
  - b. Southern Indiana Gas and Electric Company d/b/a Vectren Energy Delivery of Indiana, easement(s) pursuant to the letter dated March 24, 2015 attached as Exhibit "F".
  - c. AT&T easement(s) pursuant to the letter dated March 24, 2015 attached as Exhibit "G".
  - d. Insight/Time Warner Cable pursuant to the letter dated March 24, 2015 attached as Exhibit "H".
  - e. W.O.W. pursuant to the letter dated December 29, 2014 attached as Exhibit "I".
8. Attached to this petition is a Location Map/Site Plan (Exhibit "J") which more particularly identifies the area sought to be vacated by this petition.

[SIGNATURE AND NOTARY ACKNOWLEDGEMENT ON FOLLOWING PAGE]

## EXHIBIT "A-1"

### Legal Description



#### ANDY EASLEY ENGINEERING, INC.

1133 WEST MILL ROAD, SUITE 205  
EVANSVILLE, INDIANA 47710

TELEPHONE (812) 424-2481  
FACSIMILE (812) 425-3463

[www.easleyengineering.com](http://www.easleyengineering.com)

CIVIL ENGINEERS  
LAND SURVEYORS

**CLIENT:** Kahn, Dees, Donovan and Kahn, LLP

**PROPERTY:** Water Road

**PARCEL:** To be vacated


#### VACATION DESCRIPTION

A portion of Water Road lying between Lot Eighteen (18) and Lot Twelve (12) in Embree's Subdivision, as per plat thereof, recorded in Deed Book "T", page 14, re-transcribed of record in Plat Book "A", page 21 and re-transcribed of record in Plat Book "E", pages 54-55, in the office of the Recorder of Vanderburgh County, Indiana and further described as follows:

Beginning at the Northeast corner of Lot Twelve (12) in said Embree's Subdivision; thence along the North line of said Lot Twelve (12) and the South line of Water Road

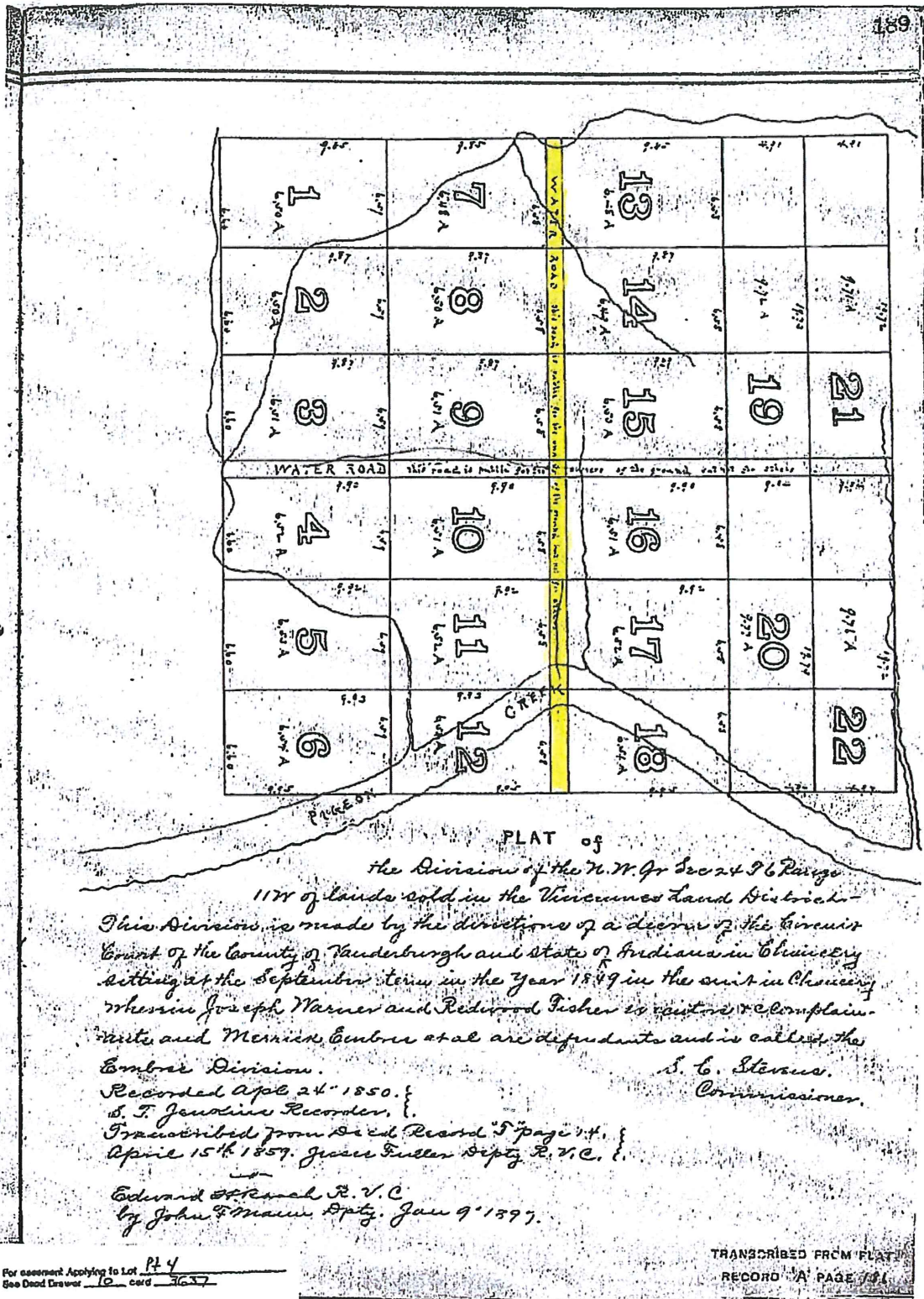
- 1<sup>st</sup>: West 407 feet more or less to the center of Pigeon Creek; thence along said Creek
- 2<sup>nd</sup>: Northeasterly to the eastern edge of Pigeon Creek and the North line of Water Road, also being the South line of Lot Eighteen (18); thence along the North line of Water Road and the South line of said Lot Eighteen (18)
- 3<sup>rd</sup>: East 354 feet more or less to the Southeast corner of said Lot 18; thence along the extension of the East line of said Lot Eighteen (18)
- 4<sup>th</sup>: South 40.00 feet to the point of beginning.



  
DONALD E. GRIES, PS  
INDIANA REG. NO. LS29900003

# EXHIBIT "A-2"

## Recorded Plat



## **EXHIBIT "B"**

### **Land Owners Other than Petitioner Within 200 Feet**

- None other than the Petitioner are within 200 feet
- Cedar Hall Association for Improvement of Neighborhood, Inc. (CHAIN)  
Attn: Marteen Montgomery  
1101 Cedar Street  
Evansville, IN 47710

**EXHIBIT "C"**

**Evansville Fire Department Letter**



LLOYD WINNECKE  
MAYOR

MIKE CONNELLY  
FIRE CHIEF

550 S.E. Eighth St. • Evansville, IN 47713-1786  
(812) 435-6235 • FAX: (812) 435-6248 • TDD/Hearing Impaired: (812) 436-4925

---

March 23, 2015

Maria L. Bulkley  
Kahn, Dees, Donovan and Kahn, LLP  
501 Main Street, Suite 305  
Evansville, IN 47735

RE: Petition for Vacation of Right-of-Way – Streets and Alleys listed below;

Ms. Bulkley;

We recognize & acknowledge request for Vacation Right-of-way of the following Tract referenced on the Water Road Vacation Exhibit of Embree's Subdivision, Lots 12 & 18, Vanderburgh County, Indiana.

- 1) 40' Roadway, running east/west, between Lots 12 & 18 of Embree's Subdivision. The north and south borders of said roadway are parallel, but not equal in length. The north border is 354' +/- with eastern terminus at the east edge of Lots 12 & 18 and western terminus at the approximate east bank of Pigeon Creek. The south border is 407' +/- with eastern terminus at the east edge of Lots 12 & 18 and western terminus at the approximate east bank of Pigeon Creek.

**Existing Conditions: Street/Roadway**

**Effect of Vacation on Fire Department: none**

**Recommendations: The Evansville Fire Department has no objection in closing of above referenced street/roadway.**

Sincerely,

**Dan Grimm**  
Chief Fire Marshal  
Fire Prevention & Education  
Evansville Fire Department  
550 SE 8th Street  
Evansville, IN 47713  
812.436.4428



**EXHIBIT "D"**

**City/Traffic Engineer Letter**



**City Engineer's Office**  
CIVIC CENTER COMPLEX, ROOM 321  
1 N.W. MARTIN LUTHER KING, JR BLVD.  
EVANSVILLE, INDIANA 47708-1875  
Phone: (812) 436-4990 FAX: (812) 436-4976  
TDD/Hearing Impaired (812) 436-4934

LLOYD WINNECKE  
MAYOR

BRENT A. SCHMITT, P.E.  
CITY ENGINEER

February 2, 2015

Ms. Maria L. Bulkley  
KDDK  
501 Main Street, Suite 305  
P.O. Box 3646  
Evansville, Indiana 47735

Re: Proposed Vacation of Public Ways, portion of Water Road, Evansville, Indiana

Dear Ms. Bulkley:

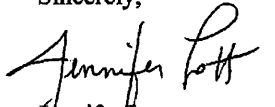
In regards to the above referenced subject and your letter dated December 17, 2014, the following comments are provided:

The area proposed to be vacated is unimproved. The adjacent properties are owned by the party seeking vacation.

The City Engineer's Office does not object to the vacation request. Vacation of this area would have no effect on future plans of this office.

Thank you and please contact me if you have any questions.

Sincerely,

  
Jennifer Lott  
City Engineer's Office

Cc: File



**EXHIBIT "E"**

**Evansville Water/Sewer Letter**



LLOYD WINNECKE  
MAYOR

**EVANSVILLE WATER &  
SEWER UTILITY**

ALLEN R. MOUNTS  
DIRECTOR

1 NW Martin Luther King Blvd. Room 104 • Evansville, Indiana 47708  
P O Box 19, Evansville, Indiana 47740-0001  
(812) 436-7846 • FAX (812) 436-7863 • TDD (812) 436-7864

January 9, 2015

Ms. Maria L. Bulkley  
501 Main St., Suite 305  
P.O. Box 3646  
Evansville, IN 47735

Re: Proposed Vacation -- Vacation of Right-of-Way: Portion of "Water Road", Evansville, Indiana

Ms. Bulkley,

This letter is in response to your request to vacate the right-of-way on a portion of Water Road as referenced above. The Evansville Water and Sewer Utility (EWSU) has the following requirements:

The EWSU has no reservation to the vacation.

If you have any questions, please call me at 421-2120, ext. 2217

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Ohning".

Doug Ohning  
Engineering Coordinator

**EXHIBIT "F"**

**Vectren Energy Delivery Letter**



Vectren Corporation  
P.O. Box 209  
Evansville, IN 47702-0209

March 24, 2015

Kahn, Dees, Donovan & Kahn, LLP  
Attn: Maria L. Bulkley  
501 Main Street, Suite 305  
P.O. Box 3646  
Evansville, IN. 47735

Re: Proposed vacation of a portion of Water Road lying between Lot Eighteen (18) and Lot Twelve (12) in Embree's Subdivision, as per plat thereof, recorded in Deed Book "T", Page 14, re-transcribed of Record in Plat Book "A", Page 21, and re-transcribed of Record in Plat Book "E", Pages 54-55, in the office of the Recorder of Vanderburgh County, Indiana and further described on the attached Exhibits.

Petitioner: Joe W. Morgan, Inc.

Dear Mrs. Bulkley:

Engineering representatives for Southern Indiana Gas and Electric Company, Inc. doing business as Vectren Energy Delivery of Indiana ("VEDI") have researched the above location requested for vacation and has determined that there are presently no active VEDI utility facilities existing within the boundaries of the subject right of way shown on the attached Exhibit that you provided for us on December 17, 2014.

In view of these findings VEDI has no objection to the proposed petition to vacate a portion of the subject public right of way as referenced herein and as described on the Exhibits attached hereto.

The consent granted by VEDI for said vacation is valid for ninety (90) days. This is due to the constant installation of our facilities at numerous locations. If this vacation request is not petitioned and passed by the Common Council within this time period, this letter becomes invalid, requiring a new study to be done by VEDI.

Please forward to my attention a copy of the recorded ordinance upon passing for our records.

Sincerely,

A handwritten signature in cursive script that reads "Colby Morris".

Colby Morris  
Land Services, Right of Way Agent  
Vectren Energy Delivery of Indiana  
(812) 491-4785

ALAN H. SHOEVERS  
LARRY R. DOWNS  
JON GOLDMAN  
BRIAN P. WILLIAMS  
G. MICHAEL SCHOPMEYER  
JEFFREY K. HELFRICH  
JEFFREY W. AHLERS  
KENT A. BRASSEALE II  
MARK S. SAMILA  
ROBERT F. BARRON II  
ALLISON K. COMSTOCK  
STEVEN S. HOAR  
STEPHEN S. LAVALLIO  
SHANNON S. FRANK  
MARIA L. BULKLEY  
MONICA E. EDWARDS  
MICHAEL E. DIRLENZO  
JACOB R. FULCHER  
MARK A. MCANULTY  
CARRIE MOUNT ROELLE  
RYAN M. SCHULZ  
JOSHUA B. GESSLING  
JOHN C. HAVILL  
STEVEN M. THEISING  
ASHLEY R. HOLLEN  
ANTHONY K. GLEIM  
PATRICK C. THOMAS  
MATTHEW D. MALCOLM  
AARON C. TRUMP

LAW OFFICES

KAHN, DEES, DONOVAN & KAHN, LLP

501 MAIN STREET, SUITE 305  
POST OFFICE BOX 3646  
EVANSVILLE, INDIANA 47735

TELEPHONE (812) 423-3183  
FACSIMILE (812) 423-3841  
E-MAIL: [evvlaw@kddk.com](mailto:evvlaw@kddk.com)  
WEBSITE: [www.kddk.com](http://www.kddk.com)

December 17, 2014



ISIDOR KAHN  
(1887-1963)  
HARRY P. DEES  
(1912-2004)  
ARTHUR R. DONOVAN  
(1910-2000)  
ROBERT KAHN  
(1918-1999)

OF COUNSEL  
THOMAS O. HAGAN  
(RETIRED)  
JOHN E. HEGEMAN

Via Electronic Mail

Colby Morris, Land Agent  
Vectren  
P.O. Box 209  
Evansville, IN 47702-0209

**RE: Vacation of Right-of-Way: Portion of "Water Road", Evansville, Indiana**

Dear Mr. Morris:

Joe W. Morgan, Inc. is in the process of pursuing an ordinance to vacate the above-described portion of "Water Road". Water Road appears to exist on a very old plat, a copy of which is enclosed, but in fact there is no roadway physically in this location. It is a woodsy area and it is part of Lot 12 of Embree's subdivision for which there is no street address. We are pursuing this vacation in order to eliminate "Water Road" from this parcel.

For your convenience, we have enclosed a copy of the land description and vacation drawing prepared by Andy Easley Engineering indicating the location of the real estate to be vacated. I am also enclosing a copy of the Deed by which this property was conveyed to our client, as well as the plat page I referenced, and a broader picture of this area showing the location.

We are required to notify each utility, the city engineer, and the fire department to determine whether there is consent or objection to the proposed vacation of right of way. Please check to see if your company maintains an easement in the area to be vacated, or has any concern regarding a vacation of this area, and, if so, please provide a copy of any easements or relevant documents, together with a letter indicating your consent or objection to this vacation. If possible, please provide a letter of response within one week of the date of this letter so that we may get the vacation petition filed as soon as possible. Thank you in advance.

Very truly yours,  
KAHN, DEES, DONOVAN & KAHN, LLP

A handwritten signature in cursive script that reads "Maria L. Bulkley".

Maria L. Bulkley  
[mbulkley@kddk.com](mailto:mbulkley@kddk.com)

MLB/ab1:307343  
Enclosures



**ANDY EASLEY ENGINEERING, INC.**  
1133 WEST MILL ROAD, SUITE 205  
EVANSVILLE, INDIANA 47710

CIVIL ENGINEERS  
LAND SURVEYORS

TELEPHONE (812) 424-2481  
FACSIMILE (812) 425-3463

[www.easleyengineering.com](http://www.easleyengineering.com)

**CLIENT:** Kahn, Dees, Donovan and Kahn, LLP

**PROPERTY:** Water Street

**PARCEL:** To be vacated

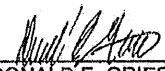
#### VACATION DESCRIPTION

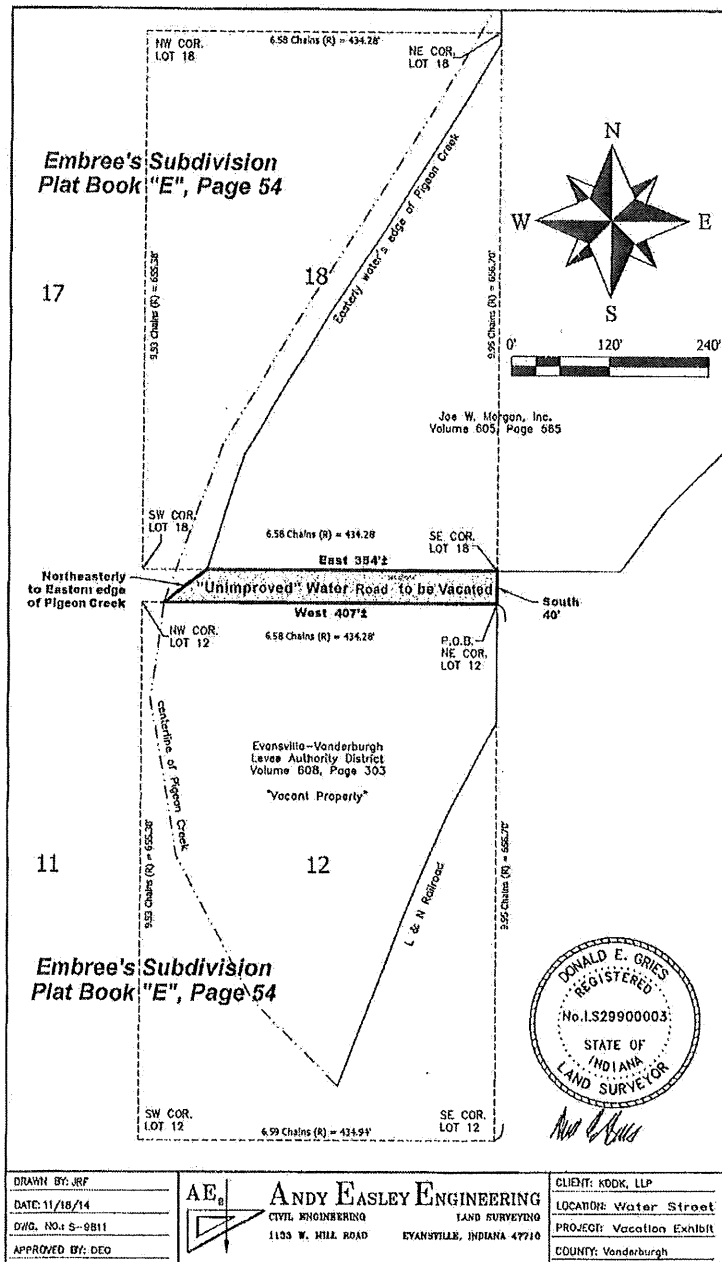
A portion of Water Street lying between Lot Eighteen (18) and Lot Twelve (12) in Embree's Subdivision, as per plat thereof, recorded in Deed Book "T", page 14, re-transcribed of record in Plat Book "A", page 21 and re-transcribed of record in Plat Book "E", pages 54-55, in the office of the Recorder of Vanderburgh County, Indiana and further described as follows:

Beginning at the Northeast corner of Lot Twelve (12) in said Embree's Subdivision; thence along the North line of said Lot Twelve (12) and the South line of Water Street

- 1<sup>st</sup>: West 407 feet more or less to the center of Pigeon Creek; thence along said Creek
- 2<sup>nd</sup>: Northeasterly to the eastern edge of Pigeon Creek and the North line of Water Street, also being the South line of Lot Eighteen (18); thence along the North line of Water Street and the South line of said Lot Eighteen (18)
- 3<sup>rd</sup>: East 354 feet more or less to the Southeast corner of said Lot 18; thence along the extension of the East line of said Lot Eighteen (18)
- 4<sup>th</sup>: South 40.00 feet to the point of beginning.



  
DONALD E. GRIES, PS  
INDIANA REG. NO. LS29900003



**EXHIBIT "G"**

**AT&T Letter**



134 NW Sixth Street  
Evansville, Indiana 47708

March 24, 2015

Angela D. Daly  
Legal Assistant  
Kahn, Dees, Donovan & Kahn, LLP  
501 Main Street, Suite 305, Evansville, IN 47708  
[adaly@kddk.com](mailto:adaly@kddk.com)

Angela,  
AT&T Indiana has no objection to the vacation of the portion of Water Road lying between Lot 18 and Lot 12 in Embree's Subdivision, located in Vanderburgh County Indiana, as described in your email of December 17, 2014 by Andy Easely Engineering, Inc.

AT&T Indiana has no facilities therein.

Please email or call me at 812/464-6050 if you have any questions.

Regards,

A handwritten signature in black ink that reads "Marc Clark".

Marc Clark  
AT&T Design Engineer  
[mc3429@att.com](mailto:mc3429@att.com)

EXHIBIT "H"

Insight /Time Warner Communications Letter

1900 N. Fares Ave  
Evansville, Indiana 47711  
Ph: (812)253-2755  
Fax: (812) 909-0293  
Cell: (812) 305-8348



March 24, 2015

Kahn, Dees, Donovan & Kahn, LLP  
Maria L. Bulkley  
501 Main St. Suite 305  
Evansville, Indiana 47735

RE: Vacation of Right-of-Way: Portion of "Water Road", Evansville, Indiana

Dear Ms. Bulkley,

In reference to your request to do a study regarding the above proposed vacation, Time Warner Cable has conducted a study and found that we do not have facilities along the proposed vacate area.

Time Warner Cable does not oppose to the vacation of the above mentioned area.

If you have any questions or require additional information please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daryl Hulsey'.

Daryl Hulsey  
Construction Technician  
Time Warner Cable



**EXHIBIT "I"**

**W.O.W. Letter**



December 29, 2014

Kahn, Dees, Donovan & Kahn, LLP  
501 Main Street, Suite 305  
Evansville, Indiana 47735

Attn: Maria L. Bulkley

**RE: Vacation of Right-of-Way portion of "Water Road", Evansville, Indiana.**

Dear Mrs. Bulkley,

The SIGECOM/WOW Outside Plant Engineering department reviewed the attached drawing. The findings of this review determined that SIGECOM/WOW does not have facilities within the Right-of-way portion of Water Road in Embree's Subdivision.

As a result of these findings, SIGECOM/WOW does not have any objection to the vacate proposal for the the Right-of-way portion of Water Road in Embree's Subdivision.

This letter granted by SIGECOM/WOW for said vacation is valid for One Hundred and Eighty (180) days. If the Evansville City Council passes this vacation request, I would like to receive a copy of the recorded ordinance to be used for the purpose of updating our records.

Please contact my office should you have any questions or need any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Bowen".

Rick Bowen  
Construction Manager  
SIGECOM/WOW  
812-437-0395  
rick\_bowen@wideopenwest.com

Cc: file

# EXHIBIT "J"

## Site Plan

